



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,963	09/29/2003	Gurtej Singh Sandhu	303.693US2	5281

21186 7590 02/01/2006

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH
1600 TCF TOWER
121 SOUTH EIGHT STREET
MINNEAPOLIS, MN 55402

EXAMINER

NOLAND, THOMAS

ART UNIT PAPER NUMBER

2856

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,963

Applicant(s)

SANDHU ET AL.

Examiner

Thomas P. Noland

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 3-5,7-14,17-19 and 23-38 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6,21,22,39 and 40 is/are allowed.
- 6) ☒ Claim(s) 1,15,20 and 41 is/are rejected.
- 7) ☒ Claim(s) 2 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11182005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. The amendment and RCE request filed Nov. 18, 2005 have been entered.
2. Claims 3-5, 7-14, 17-19 and 23-38 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention or species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on Dec. 2, 2004.
3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Kruger et al US 6,502,458, Possey et al US 2003/0033867 or Lebrun et al US 6,807,875.

In Kruger et al note abstract, drawing and col. 2, lines 60-67. Note a valve is a flow controller and Kruger et al monitors valve position in a manner that would inherently include elements like those claimed.

In Possey et al note abstract and drawings. Note the valve is retrofitted with the sensor to monitor the gate (ball of the valve).

In Lebrun et al note abstract and drawings. Note the strain gauge monitors movement of the flow controlling element.

4. Claims 15, 20 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Kruger et al, Possey et al, or Lebrun et al) in view of Pokharna et al US 6,358,327, previously cited.

Kruger et al, Possey et al and Lebrun et al show monitoring of gate position in a flow controller but do not show the use of the sensed position signal to control valve gate position as claimed. However such would have been an obvious expedient to use such valves to aid in flow control from the teachings of Pokharna et al which discloses it was known to use valve position signals to control in sensing in systems having a process chamber. Note abstract, drawings, col. 3, lines 33-43 and col.4, line 61-col. 5, line 7 therein. Since a cleaning chamber reuse thereof is implied since otherwise why clean which would mean that at least for each reuse it would go back between open and closed in what would thus inherently be an oscillation.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show flow controllers with position monitoring.

6. Claims 2 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 6, 21-22 and 39-40 are allowed.

Art Unit: 2856

8. Applicant's arguments with respect to claims 1, 15, 20 and 41 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Noland whose telephone number is (571) 272-2202. The examiner can normally be reached on weekdays from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hezron E. Williams, can be reached on (571) 272-2208.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2800 Customer Service at (571) 272-2815.

Thomas P. Noland
Primary Examiner
Art Unit 2856

Jan. 30, 2006

